

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case 3240
)	
DUANE R. DARNELL, D.O.)	STIPULATION AND
Holder of License No. 2311 for the)	CONSENT TO ENTRY
practice of osteopathic medicine in the)	
State of Arizona.)	
_____)	

STIPULATION

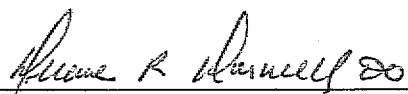
By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Duane R. Darnell, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which will be reported to the public, the National Practitioners Data Bank, the Federation of State Medical Boards, and, if appropriate, to other agencies as required by A.R.S. §§ 32-1855 (J) and (K).
5. Respondent admits to the statement of facts and conclusions of law contained in the Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 17th day of September, 2004.



Duane R. Darnell, D.O.

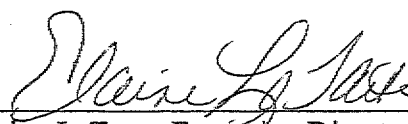
STATE OF ARIZONA)
) ss
County of Maricopa)

This instrument was acknowledged before me this _____ day of September, 2004 by the above-named individual.

My Commission expires: _____

Notary Public

REVIEWED AND SIGNED this _____ day of September, 2004 for the Board by:



Elaine LeTarte, Executive Director
Arizona Board of Osteopathic Examiners
in Medicine and Surgery

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case 3240
)	
DUANE RAY. DARNELL D.O.)	FINDINGS OF FACT,
Holder of License No. 2311 for the)	CONCLUSIONS OF LAW
practice of osteopathic medicine)	AND CONSENT ORDER FOR
in the State of Arizona.)	PROBATION OF LICENSE
_____)	

On September 8, 2003, the AZ Board of Osteopathic Examiners (hereafter "Board") notified Duane R. Darnell, D.O., (hereafter "Respondent"), holder of license number 2311, of a complaint against his AZ license, based on information received concerning actions against his California license. On September 24, 2003, Respondent responded to the complaint.

On May 27, 2004, Respondent was notified that the matter would be before the Board for case review on June 19, 2004. On June 19, 2004, the Board conducted a case review of this matter, and voted to conduct a formal administrative hearing on the matter. The Complaint and Notice of Hearing was served on July 12, 2004, setting the hearing for September 11, 2004, at 8:00 a.m., at the Board's office at 9535 E. Doubletree Ranch Road, Scottsdale, AZ 85258.

On September 11, 2004, the Board met, and in lieu of conducting the hearing, voted to accept a motion for Entry in a Consent Agreement in this matter.

JURISDICTIONAL STATEMENTS

1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.

2. Duane Darnell, D.O., (hereafter "Respondent"), is a licensee of the Board and the

holder of License No. 2311.

3. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery possesses jurisdiction over the subject matter hereof and over the application for license submitted by Respondent.

FINDINGS OF FACT

4. On or about December 16, 2002, the Osteopathic Medical Board of California, Department of Consumer Affairs (CA Board), issued an Accusation and Petition to Revoke Probation to Respondent. The Accusation alleged that between January and June 2002, Respondent had consumed alcoholic beverages and had alcohol on his breath while practicing medicine. That conduct was alleged to be in violation of the terms of the Probation of his California license. Respondent had entered a five-year probation on December 24, 1997, as a condition of the CA Board's staying of the revocation that was originally ordered.

5. On or about May 2, 2003, in resolution of the above, Respondent entered into a Stipulated Settlement and Disciplinary Order with the CA Board. The Order revoked Respondent's license, stayed the revocation, and placed Respondent's license on probation for seven years.

6. On or about December 12, 2003, Respondent submitted his application for renewal of his AZ license. On that application, he disclosed the action taken by the CA Board.

CONCLUSIONS OF LAW

The conduct described in paragraphs 4 and 5 above constitutes unprofessional conduct as defined at A.R.S. § 32-1854:

(18.) "The refusal, revocation or suspension of a license by any other state, territory, district or country, unless it can be shown that this occurred for reasons that did not relate to the

person's ability to safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as provided in this section."

(40.) "Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so."

(41.) "Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.:

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

Duane R. Darnell, D.O. ("Respondent"), Board license 2311 will be placed under **PROBATION** for five (5) years and he shall comply with the terms and conditions of probation as set forth herein:

1. During the time he resides and practices in California, Respondent shall comply with the terms of the agreement he entered with the California Board. Respondent shall provide documentation to the Board of his compliance with the terms of the California in a form and manner and according to a schedule approved by the Board's Executive Director.

2. In the event that Respondent moves to Arizona and begins to practice medicine in Arizona, he shall give written notice to the Board within 10 days of moving or beginning practice, and shall comply with the terms of probation set out below:

3. Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall inform the Board in writing, within ten days of moving to Arizona, of the therapist's name, address and telephone number. Respondent shall comply with the therapist's recommendation for the frequency of therapy treatment sessions, and shall undertake and fully

cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. In the event that Respondent is treated with psychotropic drugs, those drugs must be prescribed and monitored by a psychiatrist.

4. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a written progress report within 30 days of the initial visit, and quarterly for the remainder of the probation. Respondent shall waive any confidentiality concerning his psychotherapy so that the Board may receive full disclosure of information. The expense of the therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

5. Respondent shall provide a copy of this Order and any subsequent Orders or Amendments to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine.

6. Respondent shall provide notice of his substance abuse history to all treating health care providers with authority to prescribe controlled substances, such as physicians, dentists, physician assistants, and nurse practitioners, including those seen at emergency rooms or urgent care centers. Notice may be accomplished by providing a copy of this Order to each health care provider, or by otherwise ensuring that his substance abuse history is documented in the provider's medical records of Respondent's care.

7. Respondent shall notify the Board of the name of his primary care provider who will monitor all prescriptions written for Respondent. Also, Respondent shall notify the Board staff each month of the name and practice address of any health care provider from whom he sought care, other

than his named primary care provider.

8. Respondent shall abstain completely from the consumption of alcoholic beverages or any substance with alcohol (i.e. cough syrups); and Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless they are prescribed for him by a health care provider who has been notified of his substance abuse history. Respondent shall provide to the Board staff a monthly log of all drugs and over the counter medications he has been prescribed or has taken.

9. Respondent shall submit to random biological fluid testing at a facility approved by the Board. Respondent shall promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing. Testing shall be done at the Respondent's expense. Failure to submit to testing, without prior notice to the Board staff of an excused reason, shall be treated as if the test results were positive for alcohol or drugs.

10. Respondent shall participate in a minimum of three (3) self-help meetings per week. The self-help meetings may be through such organizations as Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, or a doctor's Caduceus group. Respondent shall keep a log of all meetings attended and, for the first 12 months, have each meeting he attends signed by the chairperson of the meeting. Respondent will provide the Board staff with a copy of the signed log the first of every month.

11. If the Board so orders, Respondent shall submit to and cooperate in any independent medical or psychological evaluation that may be ordered by the Board and conducted by a designated physician and/or psychologist, which shall be paid for by Respondent.

12. Respondent shall appear before the Board or staff upon receipt of a request by written, telephonic, or electronic notification from the Board staff given at least five (5) days prior to the

meeting.

13. Respondent shall reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter.

14. Respondent shall continue to meet all licensing requirements, including renewal of his license and payment of applicable fees pursuant to A.R.S. § 32-1825.

15. In the event Respondent moves from Arizona or ceases to practice medicine in Arizona while still maintaining an Arizona license, he shall give written notice to the Board within twenty (20) days of moving or ceasing practice. The Board may stay the terms and duration of probation until Respondent again practices medicine in Arizona, or may take other action.

16. Respondent's failure to comply with the terms of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26) and may be considered grounds for disciplinary action.

ISSUED AND EFFECTIVE this 11th day of September, 2004.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: _____

Elaine LeTarte
Elaine LeTarte, Executive Director

Copy of the foregoing mailed
this 17th day of September, 2004 to:

Duane R. Darnell, D.O.
42369 Iron Gate Lane
Murrieta, CA 92562

Blair Driggs, Assistant Attorney General
Office of the Attorney General
15 S 15th Avenue
Phoenix AZ 85007